

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MATTHEW J. ODEN,

Petitioner,

v.

KARIN ARNOLD,

Respondent.

CASE NO. C25-5235 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Brian A. Tsuchida's Report and Recommendation (R&R), Dkt. 4, recommending the Court deny pro se petitioner Matthew Oden's application to proceed *in forma pauperis* because he can afford the filing fee, and deny Oden's § 2254 habeas petition as time barred. Oden pled guilty to first degree murder in 2006. He seeks to challenge his conviction and sentence under § 2241, but the R&R correctly explains that "28 U.S.C. § 2254 is the exclusive vehicle for a habeas relief that is available to him because he is a prisoner serving a sentence pursuant to a state court conviction and judgment." Dkt. 4 at 2 (citing *White v. Lambert*, 370 F.3d 1002, 1009-10 (9th Cir. 2004), *overruled on other grounds by Hayward v. Marshall*, 603 F.3d 546 (9th Cir. 2010) (en banc)).

1 The R&R also explains that Oden can afford the filing fee, and that the limitations
2 period for a habeas petition accrued January 12, 2008, some 17 years before he filed his
3 petition.

4 A district judge must determine de novo any part of a magistrate judge's proposed
5 disposition *to which a party has properly objected*. It must modify or set aside any
6 portion of the order that is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). The
7 district judge may accept, reject, or modify the recommended disposition; receive further
8 evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P.
9 72(b)(3). A proper objection requires "specific written objections to the proposed
10 findings and recommendations" in the R&R. Fed. R. Civ. P. 72(b)(2).

11 Oden has not objected to the R&R, and it is clear that his habeas petition is time
12 barred. The R&R is **ADOPTED**, and Oden's habeas petition is **DENIED**. The Court will
13 not issue a Certificate of Appealability. The case is **DISMISSED**.

14 The Clerk shall enter a **JUDGMENT** and close the case.

15 **IT IS SO ORDERED.**

16 Dated this 15 day of April, 2025.

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19 BENJAMIN H. SETTLE
20 United States District Judge
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